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MINUTES OF THE COUNCIL AND GENERAL COURT, 1622-1629.

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(Continued.)

Oathes taken before S'r George Yeardley, Knight Etc. & Mr. Wiliam Clayborne, Secret. on the 16th day of March 1626.

John Wayne sworne & examined sayth that twoe weekes before their arrivall in this river in the ship called The Plantation ther was a falling out between Thomas Hitall & Thomas Lawley, wheruppon Robt. Cooke interposed himselfe & towld the s'd Lawley he would not suffer him to abuse any of his mates, upon w'ch the fell to words & the s'd Cooke tooke the s'd Lawley by the coller & thrust him from him, & settled him upon a chest that was nere to him & soe this deponent forthw'th p'ted them & saith that there was noe other blowes betweene them, nor did the s'd Cooke set his fiste or his knee upon the s'd Lawley's brest or offered him any further violence whatsoever, & further this deponent saith that he never saw the s'd Lawley at any

tyme to spitt blowd nor ever heard him complayne of any hurt that he had receaved by means of the s'd Cooke.

Christopher Cutler sworne & examined sayth & affirmeth in all poynts as John Wayne aboves'd.

Edward Gaven, aged 38 years, sworne & examined sayth that about a monethe agoe in his going up w'th Thomas Lawley to his plantacon stayed for the tyde over nyght at Capt. Martyns. The tyde being come he called for his people to come abourd & spying the s'd Thomas Lawley to be behind he demanded of him why he would not go as fast as the rest, the s'd Lawley answered while he was aboard the shipp called the Plantacon ther was one gave him a blowe w'th his elbowe one his brest w'ch hath made me ever since then such a payne that it greaves me to goe & I can scarce fetch my breath, soe they went into the boate & the next day after arrived at the Shirley hundred & the where the s'd Lawley fell very sicke & being not able of himself to come out his bed this deponent helping him, the sayd Lawley sayd these words Oh Lord Master the blowe that Hobin gave me will surely be my deth, & then when one q'rter of an hower after he departed this life, this deponent sayth further that the sayd Lawleys brest after he was dead, seemed blacker than any other p'te of his body, this deponent sayth alsoe that he never saw the s'd Lawley at any tyme to spit blowd neither did ever hear him the s'd Lawley complain of spiting blowd.

John Fitz Humphreys aged 23 years sworne & examined sayth that about a fortnight before they made the land in the ship The Plantacon one Robt. Cooke and Thomas Lawley squabled aboard the shipp & were ready to fall by the eares wheruppon divers caled to this deponent & willed him to come & p't them,but before he came they were p'ted & stod wrangling & squabling together & suddenly after being in goeing to bed the s'd Lawley complayned to this deponent that his brest was very sore & sayd that Robert Cooke tripping up his heeles fell upon him w'th his kne upon his brest & the next morning the s'd Lawley shewed

this deponent his brest wch he sayth was very black at that tyme & sayth that that day the s'd Lawley did spitt blowd & divers tymes after before he dyed in this deponts syght. This depont sayth that he willed the s'd Lawley the next day after he complayned to him to tell their Master of yt but Lawley answered he would not troble the M'r, he willed him to tell the Chirurgeon of yt that he might have some remedy for it; but he answered, I have had already something of the Chirurgeon for my ague, & calls to me for a note under my hand for yt, & I am loth to put my M'r to any more charges, & I will take noe more of his medicines. This deponent fourther sayth that the s'd Lawley being very sick at Sherly hundred often said both to him & others that the blow w'ch he had abourd the ship would kill him.

A Court at James Citty the 26th of March 1627, being p'sent

S'r George Yeardley, Knt., Govern'or Etc.
Mr. Doctor Pott
Capt. Smyth
Mr. Claybourne

At this Court Capt. Wilcoxes (1) made a request to have 500 acres of land granted unto him on the Eastern shoare uppon the old plantation creeke abutting on the Northeast uppon the land of John Blower, unto w'ch the Court hath condescended in favor to the said Capt. Wilcoxe & that he may not be unfurnished of ground to plant his servants uppon, w'ch he hath now brought over in the good shipp called the Plantation, provided that the said Capt. Wilcoxe doe as soon as may he make proofe that the said five hundred acres shall be due him by the transportation of the said servants or some of them or by any other way or means.

(1) Captain John Wilcox came to Va. in 1620 and was a Burgess in 1623. His will stating that he was formerly of Plymouth, England, was proved June, 1628. See this Magazine 11, 77. 78.

Quarter Court

A Court at James Citty the 3th of Aprill 1627, being present:

S'r George Yeardley, Knt., Governor Etc.

Capt. West
Doctor Pott
Capt. Smyth
Capt. Mathews
Mr. Secretary
Capt. Tucker
Mr. ffarrar

It is ordered that Mr. Jonas Stockden, Minister & Mr. Francis Chamberlaine doe w'thin fifteene dayes after ye date herof give a securitie unto ye Governor for the paiment of fiftene hundred sixtie and five pounds of principall merchantable Tobacco in leafe stript for the use of S'r Francis Wyatt, Knt., to be paid at or before the 20th day of November next ensuing at the Stores at James Citty uppon the forfeiture of three thousand one hundred and thirty waight of the principall Tobacco

At this Court was delivered in the last will & Testament of Thomas Dunthorne, deceased, and proved to be the true will of the s'd Tho Dunthorne by ye oath of Jonas Stockden, minister, and that the s'd Thomas Dunthorne was at the making thereof in perfect sense and memorye

At this Court Mr. Harmer delivered uppon his oath unto Will'm Hambry an account of all the goodes and estate of the Lady Dale (2) both of cattle, Tobacco, corne, and of whatsoever hath remained in his Custody since the time that the said Mr. Harmer received the same from Mr. Henry Watkins.

(2) Sir Thomas Dale, in his will proved Jan. 15, 1620, left his whole estate to his wife, Dame Elizabeth Dale. Her will was dated July 6, 1640, and proved Dec. 2, 1640. Her debts were to be paid out of her estate in the hands of the East India Company and her estate in Virginia. She gave her niece, Mrs Dorothy Throckmorton 500 acres in Virginia, with the appurtenances. To Edward Hamby, son of Mr. Richard Hamby, all her land in Charles Hundred in Virginia, with the appurtenances. All the remainder of her estate in

At this Court Mr. George Keth, minister, did promise on his going down to Kecaughtan (uppon an assurance made unto him from Thomas Godby for 200lb of Tobacco to be paid the last of October next ensueing) to seale and deliver unto the said Thomas Godby, one bill of sale of one hundred acres of land to him and ye said Thomas Godby and his heires and assignes forever, being the divident of the said George Keth & lying & abutting next unto ye Gleab land at Elizabeth Citty.

It is ordered that Left. Giles Allington shal have a com-'ission of Administration uppon the whole estate of Caleb Page, deceased, the 2th of Aprill last past and that the said Giles Allington doe put in securitie to the Court to deliver of an Account and surrender the said estate when it shall be lawfully required. And Robert Adams of Martin's Hundred hath offered to be bound w'th the said Giles Allington for ye same.

Lt. Giles Allington sworne and examined sayeth that Caleb Page on Sunday last the day before his death said these wordes before divers yt were then p'sent: Neighbours bear witnes that I give unto my man Henry Hart two yeares of his time.

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Whereas by an Act made at the Quarter Court in October there was a proclamation published to forbid any person of what qualitie soever to buy any com'odities aboard any shipp uppon the penaltie of 500 l. of Tobacco and the said com'odities or the value of the same, it is at this Court thought good to mitigate the sayd fine being too extreme, and now further ordered that every one yt shall offend as aforesaid in buying of any com'odities aboard any shipp shall forfeit one hundred weight of Tobacco and the saide

Virginia or elsewhere, after some legacies, was to be divided into two parts. One part to go to the children of Sir William Throckmorton, knight and baronet, deceased, and William Sanborne, and the other part to her friends and executors, Mr. Richard Hamby and Mr. William Shrimpton. Lady Dale was Elizabeth, daughter of Sir Thomas Throckmorton, and married Sir Thos. Dale in 1611.

com'odities soe bought or the value of the same as often as they shall soe offend. It is ordered that Michael Wilcoxes for buying 12 l. of sugar aboard the Charitie doe forfeite one hundred weight of Tobacco and twelve pounds of Tobacco for the said sugar, and 30 l. of Tobacco for going aboard.

Whereas there remaineth one trunk of apparrell & linnen belonging unto Capt. Willia' Holmes, deceased, of which there is noe man to take charge, the Court doth thinke fitt for the good of his widdow, that Doctor Pott doe take the said trunke with the apparrell & linnen into his custody, and to make sale thereof to the best profitt, and to deliver up an account of the same unto any Attorney for ye said widow.

Wheras notw'thstanding an Order of Court made in October last past there be many that have neglected to prove the Wills & Testaments and bring in the Inventorys of persons deceased it is thought fitt and hereby ordered that Mr. Will'm Claybourne Secretary doe in more especiall manner take care and provide that the like negligence be here after prevented. And further that Mr. Claybourne shall have full power and authoritie to sum'n such as doe offend in this case to appeare at the Court at James Citty before ye Governor & Councill of State, there to answer unto ye same.

Whereas by some information received now of late fro' other Indians we understand there is a purpose in these Indians our Inimies to make a generall assault uppon all o'r plantations this Spring; it is ordered that notice be given by proclamation through the Colonie that according to a former proclamation published, all dwelling houses or plantations be strongly palizadoed about and that all men doe constantly stand uppon theire guard, keep sentinell uppon theire workmen by day, and keep good watch by night, shutting and making fast the gates of their forts, not suffering any single man to stragle abroad, wherby all danger may be prevented.

It is ordered that Will'm Kempe, yeoman, shall not any further molest or trouble Mr. George Keth concerning his suite of 500 l. weight of Tobacco, w'ch the said Will'm pretends to be wanting in the estate of the orphan Sara Spence the daughter of Ensigne Wm. Spence deceased, untill such time as any such Inventory may be found whereby anything may be proved that the said 500 l. weight of Tobacco is unpaid by the said George Keth.

At this Court there was leave granted that Mr. Secretary Claibourne should have a Com'ission to goe w'th a boate & a sufficient Company of men into the Bay, And to discover any rivers or Creekes w'thin the Bay up to the heads of the same and trade w'th the Indians for corne skins or any other Comodities whatsoever.

A Court at James Citty the 4th of Aprill 1627 being present

S'r George Yeardley, Knt., Governor Etc.

Capt. West
Doctor Pott
Capt. Smyth
Capt. Mathews
Mr. Secretary
Capt. Tucker
Mr. Farrer.

At this Court were read all the examinations and depositions formerly taken concerning the report of some bad behavior betweene Capt. Will'm Epes & Mrs. Alice Boice lately to have happened at Martins Brandon, all w'ch being duely weighed and debated on, the opinion of the Court is that it is noe way proved or manifest by those depositions that Capt. Epes and Mrs. Boise have offended the Law but that they are cleane and guiltlesse.

At this Court Mr. Howe delivered upp on his oath an account of the Estate of Luke Aden.

At this Court the Governor did testifie that presently after the arrivall of the tenants belonging to the Secretairy from

England hhimselfe did advise Mr. Porey to send the said tenants over the Bay & to plant there, w'ch accordingly he did and soe made choice of the 500 acres of land belonging to his place, afterwards when himselfe went over and seated the said tenants uppon the same.

It is therefore ordered that there be 500 acres of land laid out, at the place commonly called the Secretairy land on the Eastern Shoare and heretofore planted on by the tenants belonging to the Secretaryes place. And that if it happen any people to have seated themselves w'thin the bounds thereof, that they doe either compound w'th the Secretary, or else deliver upp the land into his possession. It is also hereby provided that if by this means the people shall forsake the place and the same be left unplanted that the Secretarye doe take some order to see the same again repeopled & planted.

(To be Continued)